

Michael K. Sipes, SBN 155148
LAW OFFICES OF MICHAEL K. SIPES
3050 Fite Circle, Ste. 107
Sacramento, CA 95827
Telephone: (866) 656-7080
Facsimile: (866) 244-3862
mksipes@sipeslaw.com

Attorney for Defendant
TRUE NORTH AR, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SALLY MURRAY,

Plaintiff

v.

TRUE NORTH AR, LLC, a Delaware limited
liability company; SANTA ROSA MEMORIAL
HOSPITAL, a California church corporation; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO.: C 12-01150 JSC

**DEFENDANT TRUE NORTH AR,
LLC's ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

Defendant TRUE NORTH AR, LLC (herein "Defendant") responds to Plaintiff SALLY MURRAY's (herein "Plaintiff") First Amended Complaint as follows:

1. As to the allegations of paragraph 1, Defendant is without knowledge or information sufficient to form a belief as to the allegations in these paragraphs, and on that basis denies these allegations.

2. As to the allegations of paragraph 2, Defendant admits that Defendant is a Delaware limited liability company with its principal place of business in Novato, California,

1 admits that Defendant is a debtor collector as that term is defined by 11 U.S.C. section
2 1692(a)(6) and California Civil Code section 1788.2(c) and except as expressly admitted herein,
3 Defendant denies the remaining allegations contained therein.

4 3. As to the allegations of paragraph 3, Defendant is without knowledge or
5 information sufficient to form a belief as to the allegations in these paragraphs, and on that basis
6 denies these allegations.

7 4. As to the allegations of paragraph 5, Defendant is without knowledge or
8 information sufficient to form a belief as to the allegations in these paragraphs, and on that basis
9 denies these allegations.

10 5 As to the allegations of paragraph 6, Defendant admits the allegations as alleged
11 therein.

12 6. As to the allegations of paragraph 7, Defendant admits the allegations as alleged
13 therein.

14 7. As to the allegations of paragraphs 8 through 10, Defendant is without knowledge
15 or information sufficient to form a belief as to the allegations in these paragraphs, and on that
16 basis denies these allegations.

17 8. As to the allegations of paragraph 11, Defendant denies the allegations as alleged
18 therein.

19 9. As to the allegations of paragraph 12, Defendant denies the allegations as alleged
20 therein.

21 10. As to the allegations of paragraph 13, Defendant denies the allegations as alleged
22 therein.

23 11. As to the allegations of paragraph 14, Defendant hereby incorporates by
24 references each of its responses to the allegations of the First Amended Complaint set forth in
25 paragraphs 1 through 10 herein.

26 12. As to the allegations of paragraph 15, Defendant admits these allegations.
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1 13. As to the allegations of paragraphs 16 through 19, Defendant denies these
2 allegations.

3 14. As to the allegations of paragraph 20, Defendant hereby incorporates by
4 references each of its responses to the allegations of the First Amended Complaint set forth in
5 paragraphs 1 through 13 herein.

6 15. As to the allegations of paragraphs 21 through 25, Defendant is without
7 knowledge or information sufficient to form a belief as to the allegations in these paragraphs, and
8 on that basis denies these allegations.

9 16. As to the allegations of paragraph 26, Defendant hereby incorporates by
10 references each of its responses to the allegations of the First Amended Complaint set forth in
11 paragraphs 1 through 15 herein.

12 17. As to the allegations of paragraphs 27 through 30, Defendant is without
13 knowledge or information sufficient to form a belief as to the allegations in these paragraphs, and
14 on that basis denies these allegations.

15 18. As to the allegations of paragraph 31, Defendant hereby incorporates by
16 references each of its responses to the allegations of the First Amended Complaint set forth in
17 paragraphs 1 through 17 herein.

18 19. As to the allegations of paragraphs 32 through 38, Defendant is without
19 knowledge or information sufficient to form a belief as to the allegations in these paragraphs, and
20 on that basis denies these allegations.

21 20. As to the allegations of paragraph 39, Defendant hereby incorporates by
22 references each of its responses to the allegations of the First Amended Complaint set forth in
23 paragraphs 1 through 19 herein.

24 21. As to the allegations of paragraphs 40 through 43, Defendant denies those
25 allegations as to this answering Defendant and Defendant is without knowledge or information
26 sufficient to form a belief as to the allegations in these paragraphs as to Santa Rosa Memorial,
27 and on that basis denies these allegations.

1 22. As to the allegations of paragraph 44, Defendant hereby incorporates by
2 references each of its responses to the allegations of the First Amended Complaint set forth in
3 paragraphs 1 through 21 herein.

4 23. As to the allegations of paragraph 45, Defendant denies the allegations as alleged
5 therein.

6 24. As to the allegations of paragraphs 46 and 48, Defendant denies those allegations
7 as to this answering Defendant and Defendant is without knowledge or information sufficient to
8 form a belief as to the allegations in these paragraphs as to Santa Rosa Memorial, and on that
9 basis denies these allegations.

10 **FIRST AFFIRMATIVE DEFENSE**

11 The First Amended Complaint fails to state a claim upon which relief may be granted as
12 against Defendant.

13 **SECOND AFFIRMATIVE DEFENSE**

14 The First Amended Complaint is barred by the doctrine of laches and the statute of
15 limitations.

16 **THIRD AFFIRMATIVE DEFENSE**

17 Defendant is informed and believes, and based thereon alleges, that the claim(s) alleged
18 in the First Amended Complaint are barred by the doctrine of unclean hands.

19 **FOURTH AFFIRMATIVE DEFENSE**

20 Defendant is informed and believes, and based thereon alleges, that the claim(s) alleged
21 in the Complaint are barred by the doctrine of waiver.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 Defendant is informed and believes, and based thereon alleges, that the claim(s) alleged
24 in the First Amended Complaint are barred by the doctrine of estoppel.

25 **SIXTH AFFIRMATIVE DEFENSE**

26 Defendant is informed and believes, and based thereon alleges, that Plaintiff was
27 negligent, careless and/or committed intentional acts, in and about the matters alleged in the First
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1 Amended Complaint, and to the extent said negligence, carelessness and/or intentional acts
2 caused and/or contributed to his injuries and/or damages.

3 **SEVENTH AFFIRMATIVE DEFENSE**

4 Defendant is informed and believes, and based thereon alleges, that other persons and
5 parties were careless and/or negligent, and/or committed intentional acts, and that this
6 carelessness, negligence, or these intentional acts proximately contributed to the happening of
7 the incidents referred to in the First Amended Complaint, and to the extent said negligence,
8 carelessness and/or intentional acts caused and/or contributed to injuries and/or damages, then
9 the damages alleged against this Defendant should be reduced or eliminated.

10 **EIGHTH AFFIRMATIVE DEFENSE**

11 Defendant is informed and believes, and based thereon alleges, that it has no civil liability
12 under the Fair Debt Collection Practices Act as any action by Defendant were taken in good faith
13 and the result of maintenance of procedures reasonably adopted to avoid any violation alleged by
14 Plaintiff .

15 **NINTH AFFIRMATIVE DEFENSE**

16 Defendant is informed and believes, and based thereon alleges, that the sole and
17 proximate cause of the circumstances and events complained of by Plaintiff in the First Amended
18 Complaint was due to the acts or omissions of person and entities other than this answering
19 Defendant.

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PRAYER FOR RELIEF

WHEREFORE, Defendant prays:

1. That Plaintiff, as to this answering Defendant, take nothing and be granted no relief by reason of the First Amended Complaint and that the First Amended Complaint be dismissed as to this answering Defendant;
2. That Defendant be awarded its attorneys' fees and costs or suit; and,
3. For such other and further relief as the Court deems proper.

Respectfully submitted,

LAW OFFICES OF MICHAEL K. SIPES

DATED: May 18, 2012

By: /s/ Michael K. Sipes

Michael K. Sipes
Attorneys for Defendant
True North AR, LLC